

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

AMIR MOHAMMADI,)	Civil Action No.
)	
Plaintiff,)	
)	
vs.)	
)	
SLIPPERY ROCK UNIVERSITY)	
OF PENNSYLVANIA, THE)	
PENNSYLVANIA STATE SYSTEM)	
OF HIGHER EDUCATION and)	
ROBERT TAYLOR,)	FILED ELECTRONICALLY
)	
Defendants.)	JURY TRIAL REQUESTED

COMPLAINT IN CIVIL ACTION

AND NOW comes Plaintiff, Amir Mohammadi (“Dr. Mohammadi”), by and through undersigned counsel, and files this Complaint raising claims under Title VII, 42 U.S.C. § 2000e et seq.; 42 U.S.C. § 1981; 42 U.S.C. § 1983; the Pennsylvania Uniform Single Publication Act, 42 PA. CONS. STAT. § 8341 et seq.; and Pennsylvania common law, stating as follows:

I. PARTIES

1. Dr. Mohammadi is an adult individual residing in Butler County, Pennsylvania.
2. Defendant Slippery Rock University of Pennsylvania (“SRU”) is a state-owned institution of post-secondary education with its primary place of business at 1 Morrow Way, Slippery Rock, PA 16057.
3. Defendant the Pennsylvania State System of Higher Education (“PASSHE”) is an agency of the Commonwealth of Pennsylvania with its headquarters located at 2986 North Second Street, Harrisburg, PA 17110-1201.
4. Defendant Robert Taylor (“Mr. Taylor”) is an adult individual who maintains a

business address at P.O. Box 220, Solebury, PA 18963.

II. JURISDICTION

5. The jurisdiction of this Court over the matters set forth in this Complaint is founded upon 28 U.S.C. § 1331, 28 U.S.C. § 1367(a), and 42 U.S.C. § 2000e-5(f)(3).

III. VENUE

6. The events related in this Complaint occurred in Butler County, Pennsylvania, in the Western District of Pennsylvania; therefore, venue is appropriate in this Court.

IV. ADMINISTRATIVE EXHAUSTION

7. On April 6, 2018, Dr. Mohammadi filed an administrative charge with the U.S. Equal Employment Opportunity Commission (“EEOC”) alleging discrimination on the basis of race, national origin, and religion.

8. The aforementioned charge named both SRU and Mr. Taylor as respondents, and PASSHE was identified in the body of the charge.

9. The aforementioned charge further alleged that Dr. Mohammadi was the target of retaliatory conduct.

10. The aforementioned charge was docketed at 533-2018-01202 and was cross-filed with the Pennsylvania Human Relations Commission (“PHRC”).

11. On September 28, 2018, the EEOC issued a “Right to Sue” notice allowing Dr. Mohammadi the right to bring his claims in Court.

12. Dr. Mohammadi will seek leave to file an amended complaint stating claims under the Pennsylvania Human Relations Act when his claims under that statute are administratively exhausted.

V. FACTS

13. Dr. Mohammadi is a distinguished post-secondary education administrator with over thirty years of experience in diverse settings, domestically and abroad.

14. Dr. Mohammadi was born in Iran on September 29, 1959, and is a Muslim.

15. Dr. Mohammadi holds an undergraduate degree and an M.B.A. from Adelphi University in Garden City, N.Y., and a doctorate in higher education administration from Delaware State University in Dover, DE.

16. Dr. Mohammadi has served at four separate institutions of post-secondary education, having been promoted 25 times.

17. SRU is a state owned institution of post-secondary education that is governed by a Council of Trustees (“COT” or “Council of Trustees”) composed of individuals appointed by the Governor of Pennsylvania.

18. Dr. Mohammadi started working at SRU in May 2014.

19. In March 2015, Dr. Mohammadi was named as Vice President for Finance and Administrative Affairs and Advancement Services, and, since December 2017, Dr. Mohammadi has served also as Vice President for University Advancement.

20. Prior to coming to SRU, Dr. Mohammadi had served as an administrator at Delaware State University.

21. By all accounts Dr. Mohammadi has been a successful top manager at Slippery Rock in terms of finance, construction, development, procurement, and sustainability.

22. Dr. Mohammadi had earned consistent praise for his performance in his position at SRU.

23. For instance, in an evaluation letter dated July 21, 2017, then SRU President Cheryl Norton (“Dr. Norton”) praised Dr. Mohammadi’s efforts in securing the financial strength of the institution.

24. Dr. Norton also told Dr. Mohammadi she was “privileged” to have him on the “SRU team.”

25. In December 2016, Dr. Norton announced her intention to retire from her position as University President.

26. In August 2017, a search to find a new University President commenced in earnest.

27. Dr. Mohammadi submitted his name to a Presidential Search Committee (“PSC” or “the Search Committee”) organized under the auspices of SRU and PASSHE.

28. On account of his performance as Vice President for Finance and Administrative Affairs, Dr. Norton drafted a letter of reference supporting Dr. Mohammadi’s application for the SRU Presidency.

29. Dr. Mohammadi was among the top candidates for the SRU Presidency and probably had the best record and credentials for it.

30. Dr. Mohammadi was the sole candidate of Muslim and/or Middle Eastern background who had applied for the SRU Presidency.

31. When Dr. Mohammadi surfaced as a leading candidate the search became irregular and Mr. Taylor, who served as a member of the Search Committee tried to thwart him from being recommended to be President.

32. The role of the PSC was to interview the candidates for the Presidency and make a recommendation to the SRU Council of Trustees as to whom they consider to be the best candidates

for the Presidency.

33. Mr. Taylor, a member of both the PSC and of the COT, vaguely warned other members not to advance Dr. Mohammadi's name but declined to explain why.

34. Mr. Taylor made derogatory statements regarding Dr. Mohammadi in the past; for instance, on one occasion he mocked Dr. Mohammadi for sounding like a "Mid-Western American" when Dr. Mohammadi quoted Henry Ford and Will Rogers.

35. Other members of the PSC complained of Mr. Taylor's influence on the search process in a letter sent to the office of the PASSHE chancellor.

36. In the aforementioned letter, these committee members complained that they felt bullied and intimidated by Mr. Taylor's "rude, inappropriate, and unproductive fashion" which exhibited bias against Dr. Mohammadi and instilled fear in members of the PSC.

37. Mr. Taylor was rude and bullying when Dr. Mohammadi's candidacy was on the floor of the PSC.

38. As documented in the letter sent to the PASSHE chancellor, Mr. Taylor left the premises prior to Dr. Mohammadi's interview with the PSC.

39. The signatories to the letter stated their embarrassment about Mr. Taylor's behavior and requested his removal from the Search Committee.

40. Mr. Taylor was the sole member of the Search Committee not to be in attendance for Dr. Mohammadi's interview.

41. Because he did not attend Dr. Mohammadi's interview, Mr. Taylor lacked the necessary information to review Dr. Mohammadi's application for promotion and as such he should have been barred from participating in the consideration of this application.

42. However, Dr. Mohammadi remained in consideration, and by the time of the October 2017 vote on the presidential applications Dr. Mohammadi was ranked third for the position.

43. Prior SRU Presidents—including former University President Robert Smith, a white male of U.S. national origin—have been promoted internally to the Presidency without similar accusations of a conflict of interest.

44. Even though the Search Committee had decided to invite five candidates onto campus for a formal interview, Mr. Taylor argued that the Search Committee should invite only four candidates for a formal interview, thereby excluding Dr. Mohammadi.

45. The remainder of the Search Committee objected to Mr. Taylor’s proposal to bring only four candidates to campus for a formal interview.

46. Mr. Taylor ultimately bullied the Search Committee into inviting only four candidates for a formal interview; this was designed to exclude Dr. Mohammadi.

47. Ultimately, Dr. Mohammadi was invited to interview on campus after two candidates for the position withdrew their names from consideration.

48. Mr. Taylor refused to appear for the formal interview of Dr. Mohammadi.

49. A majority of the members of the Search Committee were so concerned by Mr. Taylor’s behavior that they asked the Interim Chancellor of PASSHE, Karen Whitney, Ph.D., to remove him on September 18, 2017, citing that he had been obstructionist and had unfairly called into question Dr. Mohammadi’s integrity but would not explain why.

50. Aside from his conduct with respect to the search, Mr. Taylor would later leak vague allegations of conflicts of interest on the part of Dr. Mohammadi to local media outlets, including the *Butler Eagle* and the *Pittsburgh Post-Gazette*.

51. As a member of the Search Committee and the COT, Mr. Taylor had signed a confidentiality agreement protecting information related to the presidential search from disclosure.

52. Pursuant to the confidentiality agreement, only the chair of the Search Committee was authorized to divulge information related to the search to the media.

53. By leaking the confidential information to the local media, Mr. Taylor had breached the underlying confidentiality agreement, the penalty for which should have been removal from the search process.

54. PASSHE nevertheless declined to remove Mr. Taylor and the search proceeded.

55. On October 5, 2017—two hours prior to the final vote on the presidential vacancy—Mr. Taylor came forth with spurious allegations regarding a supposed conflict of interest on the part of Dr. Mohammadi.

56. Mr. Taylor claimed that this conflict of interest arose from the fact that two of Dr. Mohammadi’s reports—Scott Albert (“Mr. Albert”) and Molly Mercer (“Ms. Mercer”)—served on the Search Committee.

57. PASSHE cleared Mr. Albert and Ms. Mercer for participation on the Search Committee.

58. Moreover, both Mr. Albert and Ms. Mercer disclosed their prior relationships with Dr. Mohammadi to the Search Committee.

59. Due in large part to the actions of Mr. Taylor, the final vote of the Search Committee was a tie, which necessitated the restart of the entire search process.

60. Even though Mr. Taylor bullied the members of the Search Committee into inviting only four candidates to the campus for an interview, during the second search five candidates were

invited on campus for an interview.

61. On October 9, 2017, Mr. Taylor broke the Search Committee's confidentiality agreement and falsely told the media that Dr. Mohammadi and two Search Committee members had a conflict of interest because they reported to Dr. Mohammadi through their work at SRU.

62. Both the *Butler Eagle* and the *Pittsburgh Post-Gazette* published articles that outlined Mr. Taylor's allegations regarding Dr. Mohammadi.

63. However, it is not a conflict of interest for Search Committee members to report to a candidate, and both committee members had been approved to be on the Search Committee.

64. Further, the Chair of the Search, Jeff Smith, also reported that there was evidence of racial animus in the search in that reportedly the statement from an SRU trustee to the effect that "no Persian would ever be selected as President of the University" was received and circulating.

65. Ultimately, the committee vote was tied five to five, and as such Dr. Mohammadi's candidacy did not advance.

66. After the vote, one member of the COT, Richard M. Wukich ("Mr. Wukich"), indicated that he would have voted in favor of Dr. Mohammadi's candidacy, thereby allowing it to proceed.

67. Had Mr. Wukich voted in favor of Dr. Mohammadi's candidacy, the committee vote would have been six to four rather than five to five, thereby allowing Dr. Mohammadi's candidacy to advance.

68. Mr. Wukich would later inform Dr. Mohammadi that he would have made an excellent president.

69. On account of Mr. Taylor's actions, the search process was classified as a "failed

search” and was restarted.

70. Around this time Dr. Mohammadi had also applied for the Presidency of Clarion University of Pennsylvania (“Clarion”).

71. In May 2018, Dr. Mohammadi advanced to become a finalist for the Clarion Presidency.

72. On the day of the final vote on the vacancy for the Clarion Presidency, Dr. Mohammadi’s supposed conflicts of interest resurfaced in the *Pittsburgh Post-Gazette* in an article published on May 9, 2018.

73. This article, prompted by Mr. Taylor’s actions, negatively impacted Dr. Mohammadi’s candidacy.

74. Due to his merit, Dr. Mohammadi did become a finalist for the Clarion Presidency; however, due to negative publicity through the *Pittsburgh Post Gazette*, on the same day of the final vote, Dr. Mohammadi was rejected.

75. Subsequently, an article published on May 11, 2018, in the *Butler Eagle* entitled, “SRU VP out of the running for Clarion post,” cited “...internal correspondence suggesting a conflict of interest between [Dr] Mohammadi and two SRU search committee members” as a major stumbling block as to why his name was not forwarded to the PASSHE Board of Governors by Clarion’s Council of Trustees.

76. PASSHE and SRU cancelled the search at SRU depriving Dr. Mohammadi of career advancement with the responsibilities and income expansion that he deserved.

77. PASSHE retained outside counsel to conduct an investigation of the search.

78. The recently installed President of SRU is of U.S. national origin and is not Muslim.

79. Dr. Mohammadi's application for the SRU Presidency was blocked on account of his race, national origin, and religion.

80. Moreover, Dr. Mohammadi was unfairly and publically accused of a conflict of interest; earlier similarly situated internal candidates were not accused of similar conflicts of interest.

81. Dr. Mohammadi seeks a jury trial.

VI. COUNTS

COUNT I: DISCRIMINATION ON THE BASIS OF RACE/NATIONAL ORIGIN
Plaintiff Amir Mohammadi v. Defendants Slippery Rock University of Pennsylvania and
the Pennsylvania State System of Higher Education
Violation of Title VII, 42 U.S.C. § 2000e et seq.

82. The preceding paragraphs are incorporated as if set forth at length herein.

83. Dr. Mohammadi is originally from Iran, and as such is a member of a class protected by Title VII.

84. Dr. Mohammadi was qualified for promotion to the Presidency of SRU.

85. Dr. Mohammadi is qualified to serve as a senior administrator at SRU.

86. Dr. Mohammadi's candidacy for the SRU Presidency was blocked on account of his race and national origin.

87. Dr. Mohammadi was treated less favorably than earlier internal candidates for the SRU Presidency in that he was unfairly and publically accused of a conflict of interest.

88. In the past, white internal candidates of U.S. national origin were not subjected to similar accusations of conflict of interest nor were their candidacies for the SRU Presidency blocked.

89. Dr. Mohammadi was subjected to an adverse employment action on account of his race and national origin.

90. Dr. Mohammadi seeks all remedies and damages permitted under Title VII, including

back pay, damages for lost prospective future employment, damages for prospective harm in his present position, compensatory damages for emotional pain and suffering, injunctive and declaratory relief, and payment of his litigation costs, including reasonable attorneys' fees, plus pre-judgment and post-judgment interest.

COUNT II: DISCRIMINATION ON THE BASIS OF RELIGION

**Plaintiff Amir Mohammadi v. Defendants Slippery Rock University of Pennsylvania and
the Pennsylvania State System of Higher Education
Violation of Title VII, 42 U.S.C. § 2000e et seq.**

91. The preceding paragraphs are incorporated as if set forth at length herein.
92. Dr. Mohammadi is a Muslim, and as such is a member of a class protected by Title VII.
93. Dr. Mohammadi was qualified for promotion to the Presidency of SRU.
94. Dr. Mohammadi's application for the SRU Presidency was blocked on account of his religion.
95. Dr. Mohammadi is qualified to serve as a senior administrator at SRU.
96. Dr. Mohammadi's candidacy for the SRU Presidency was blocked on account of his religion.
97. Dr. Mohammadi was treated less favorably than earlier internal candidates for the SRU Presidency in that he was unfairly and publically accused of a conflict of interest.
98. In the past, non-Muslim internal candidates were not subjected to similar accusations of conflict of interest nor were their candidacies for the SRU Presidency blocked.
99. Dr. Mohammadi was subjected to an adverse employment action on account of his religion.
100. Dr. Mohammadi seeks all remedies and damages permitted under Title VII, including

back pay, damages for lost prospective future employment, damages for prospective harm in his present position, compensatory damages for emotional pain and suffering, injunctive and declaratory relief, and payment of his litigation costs, including reasonable attorneys' fees, plus pre-judgment and post-judgment interest.

COUNT III: RETALIATION

**Plaintiff Amir Mohammadi v. Defendants Slippery Rock University of Pennsylvania and
the Pennsylvania State System of Higher Education
Violation of Title VII, 42 U.S.C. § 2000e et seq.**

101. The preceding paragraphs are incorporated as if set forth at length herein.
102. Dr. Mohammadi engaged in activities protected by Title VII when he made any complaint, either publically or privately, in opposition to the discriminatory interference made by Mr. Taylor.
103. Dr. Mohammadi was qualified for promotion to the Presidency of SRU.
104. Dr. Mohammadi's application for the SRU Presidency was blocked on account of his religion.
105. Dr. Mohammadi is qualified to serve as a senior administrator at SRU.
106. Dr. Mohammadi's candidacy for the SRU Presidency was blocked on account of his religion.
107. Dr. Mohammadi was treated less favorably than earlier internal candidates for the SRU Presidency in that he was unfairly and publically accused of a conflict of interest.
108. Dr. Mohammadi also experienced adverse retaliatory action when his application for the presidency at Clarion was blocked.
109. Dr. Mohammadi's candidacies for the SRU and Clarion Presidencies were blocked because he opposed the discriminatory actions of Mr. Taylor.

110. Dr. Mohammadi seeks all remedies and damages permitted under Title VII, including back pay, damages for lost prospective future employment, damages for prospective harm in his present position, compensatory damages for emotional pain and suffering, injunctive and declaratory relief, and payment of his litigation costs, including reasonable attorneys' fees, plus pre-judgment and post-judgment interest.

COUNT IV: DISCRIMINATION ON THE BASIS OF RACE/NATIONAL ORIGIN

**Plaintiff Amir Mohammadi v. Defendant Robert Taylor
Violation of 42 U.S.C. § 1981**

111. The preceding paragraphs are incorporated as if set forth at length herein.

112. 42 U.S.C. § 1981 prohibits discrimination on the basis of race with respect to the formation of contracts.

113. Dr. Mohammadi is originally from Iran, and as such is a member of a class protected by 42 U.S.C. § 1981.

114. Dr. Mohammadi was qualified for promotion to the Presidency of SRU.

115. Dr. Mohammadi's application for the SRU Presidency was blocked on account of his race and national origin.

116. Dr. Mohammadi was treated less favorably than earlier internal candidates for the SRU Presidency in that he was unfairly and publically accused of a conflict of interest.

117. By blocking Dr. Mohammadi's candidacy for the SRU Presidency, Mr. Taylor acted to interfere with the formation of a contact.

118. In the past, white internal candidates of U.S. national origin were not subjected to similar accusations of conflict of interest nor were their candidacies for the SRU Presidency blocked.

119. Dr. Mohammadi was subjected to an adverse employment action on account of his

race and national origin.

120. Dr. Mohammadi seeks all remedies and damages permitted under 42 U.S.C. § 1981, including back pay, damages for lost prospective future employment, damages for prospective harm in his present position, compensatory damages for emotional pain and suffering, injunctive and declaratory relief, and payment of his litigation costs, including reasonable attorneys' fees, plus pre-judgment and post-judgment interest.

COUNT V: VIOLATION OF CONSTITUTIONAL RIGHTS
Plaintiff Amir Mohammadi v. Defendant Robert Taylor
Violation of 42 U.S.C. § 1983

121. The preceding paragraphs are incorporated as if set forth at length herein.
122. Mr. Taylor is being sued in his personal capacity for monetary damages.
123. As a gubernatorial appointee to the COT, Mr. Taylor's actions against Dr. Mohammadi were made under the color of state law.
124. Dr. Mohammadi has a constitutionally protected right to freedom of religion.
125. Dr. Mohammadi is a Muslim, and in practicing Islam he is engaging in a constitutionally protected right.
126. Dr. Mohammadi was qualified for promotion to the Presidency of SRU.
127. Dr. Mohammadi's application for the SRU Presidency was blocked on account of his religion.
128. Dr. Mohammadi is qualified to serve as a senior administrator at SRU.
129. Dr. Mohammadi's candidacy for the SRU Presidency was blocked on account of his religion.
130. Dr. Mohammadi was treated less favorably than earlier internal candidates for the

SRU Presidency in that he was unfairly and publically accused of a conflict of interest.

131. In the past, non-Muslim internal candidates were not subjected to similar accusations of conflict of interest nor were their candidacies for the SRU Presidency blocked.

132. Dr. Mohammadi was subjected to an adverse employment action on account of his religion.

133. Dr. Mohammadi seeks all remedies and damages permitted under 42 U.S.C. § 1983, including back pay, damages for lost prospective future employment, damages for prospective harm in his present position, compensatory damages for emotional pain and suffering, injunctive and declaratory relief, and payment of his litigation costs, including reasonable attorneys' fees, plus pre-judgment and post-judgment interest.

COUNT VI: FALSE LIGHT INVASION OF PRIVACY

Plaintiff Amir Mohammadi v. Defendant Robert Taylor

Violation of the Pennsylvania Single Publication Act, 42 PA. CONS. STAT. § 8341 et seq,

134. The preceding paragraphs are incorporated as if set forth at length herein.

135. Under Pennsylvania law, a defendant who gives publicity to a matter concerning the plaintiff that places the plaintiff in a false light is liable for invasion of privacy if the false light would be offensive to a reasonable person and if the defendant acted in reckless disregard as to the falsity of the publicized matter and the false light into which the plaintiff would be placed.

136. In violation of the confidentiality agreement that he signed, by means of newspaper articles published from October 2017 through May 2018, Mr. Taylor publicized his spurious claims that Dr. Mohammadi had a conflict of interest arising from his relationship with two members of the Search Committee.

137. Any accusations related to a conflict of interest would be offensive in that it suggests

that Dr. Mohammadi engaged in, or would engage in, official misconduct.

138. Based upon knowledge and belief, Mr. Taylor made no investigation and/or inquiry so as to prove the substance of his accusations.

139. Mr. Taylor acted recklessly when he made no attempt to substantiate his accusations.

140. Mr. Taylor also acted recklessly when he violated the confidentiality agreement and leaked information to media outlets, including the *Butler Eagle* and the *Pittsburgh Post-Gazette*.

141. Mr. Taylor knew, or should have known, that the conflict of interest accusations would damage Dr. Mohammadi's professional reputation.

142. Dr. Mohammadi seeks all damages available under Pennsylvania law for false light invasion of privacy.

COUNT VII: INTERFERENCE WITH PROSPECTIVE CONTRACT

Plaintiff Amir Mohammadi v. Defendant Robert Taylor

Violation of Pennsylvania Common Law

143. The preceding paragraphs are incorporated as if set forth at length herein.

144. In order to state a claim under Pennsylvania law for interference with a prospective contract, a plaintiff must prove the existence of a prospective contractual relation, the purpose or intent on the part of the defendant to prevent the contractual relationship from forming, the absence of privilege or justification on the part of the defendant, and that the plaintiff was harmed by the defendant's actions.

145. Dr. Mohammadi had a reasonable expectation that he would have been appointed to serve as the SRU President.

146. As evidenced by the letter authored by Mr. Wukich, Dr. Mohammadi's candidacy had strong support from the Search Committee.

147. There is strong likelihood that, but for Mr. Taylor's interference, Dr. Mohammadi would have been appointed to serve as the SRU President.

148. By violating the Confidentiality Agreement and disseminating his accusations to the local media, Mr. Taylor acted with purposeful intent to block Dr. Mohammadi from being appointed to the SRU Presidency.

149. Mr. Taylor's actions were in violation of the Confidentiality Agreement and were neither privileged nor justified.

150. As a result of Mr. Taylor's actions, Dr. Mohammadi suffered damages in that he was not appointed to the SRU Presidency and in that his professional reputation was harmed.

151. Dr. Mohammadi seeks all damages available under Pennsylvania law for interference with a prospective contract.

Respectfully Submitted,

LIEBER HAMMER HUBER & PAUL, P.C.

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